



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3376

Introduced 2/26/2007, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.12a
105 ILCS 5/10-22.22b

from Ch. 122, par. 10-20.12a
from Ch. 122, par. 10-22.22b

Amends the School Code. In a Section concerning tuition for non-resident pupils, provides that for those school districts receiving pupils from a deactivated school facility, the audited tuition rate calculated for the receiving school district shall include the tuition revenue received from the sending school district. In a Section concerning deactivation of a school facility, provides that the sending school district shall pay to the receiving school district an amount equal to the audited tuition rate of the receiving district (instead of an amount agreed upon by the 2 districts).

LRB095 09156 NHT 32225 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-20.12a and 10-22.22b as follows:

6 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

7 Sec. 10-20.12a. Tuition for non-resident pupils. To charge
8 non-resident pupils who attend the schools of the district
9 tuition in an amount not exceeding 110% of the per capita cost
10 of maintaining the schools of the district for the preceding
11 school year.

12 Such per capita cost shall be computed by dividing the
13 total cost of conducting and maintaining the schools of the
14 district by the average daily attendance, including tuition
15 pupils. Depreciation on the buildings and equipment of the
16 schools of the district, and the amount of annual depreciation
17 on such buildings and equipment shall be dependent upon the
18 useful life of such property.

19 The tuition charged shall in no case exceed 110% of the per
20 capita cost of conducting and maintaining the schools of the
21 district attended, as determined with reference to the most
22 recent audit prepared under Section 3-7 which is available at
23 the commencement of the current school year. Non-resident

1 pupils attending the schools of the district for less than the
2 school term shall have their tuition apportioned, however
3 pupils who become non-resident during a school term shall not
4 be charged tuition for the remainder of the school term in
5 which they became non-resident pupils.

6 Unless otherwise agreed to by the parties involved and
7 where the educational services are not otherwise provided for,
8 educational services for an Illinois student under the age of
9 21 in a residential program designed to correct alcohol or
10 other drug dependencies shall be provided by the district in
11 which the facility is located and financed as follows. The cost
12 of educational services shall be paid by the district in which
13 the student resides in an amount equal to the cost of providing
14 educational services in a treatment facility. Payments shall be
15 made by the district of the student's residence and shall be
16 made to the district wherein the facility is located no less
17 than once per month unless otherwise agreed to by the parties.

18 For those school districts receiving pupils from a
19 deactivated school facility, the audited tuition rate
20 calculated for the receiving school district shall include the
21 tuition revenue received from the sending school district.

22 (Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98.)

23 (105 ILCS 5/10-22.22b) (from Ch. 122, par. 10-22.22b)

24 Sec. 10-22.22b. (a) The provisions of this subsection shall
25 not apply to the deactivation of a high school facility under

1 subsection (c). Where in its judgment the interests of the
 2 district and of the students therein will be best served, to
 3 deactivate any high school facility or elementary school
 4 facility in the district and send the students of such high
 5 school in grades 9 through 12 or such elementary school in
 6 grades kindergarten through 8, as applicable, to schools in
 7 other districts. Such action may be taken only with the
 8 approval of the voters in the district and the approval, by
 9 proper resolution, of the school board of the receiving
 10 district. The board of the district contemplating deactivation
 11 shall, by proper resolution, cause the proposition to
 12 deactivate the school facility to be submitted to the voters of
 13 the district at a regularly scheduled election. Notice shall be
 14 published at least 10 days prior to the date of the election at
 15 least once in one or more newspapers published in the district
 16 or, if no newspaper is published in the district, in one or
 17 more newspapers with a general circulation within the district.
 18 The notice shall be substantially in the following form:

19 NOTICE OF REFERENDUM TO
 20 DEACTIVATE THE ... SCHOOL FACILITY
 21 IN SCHOOL DISTRICT NO.

22 Notice is hereby given that on (insert date), a referendum
 23 will be held in County (Counties) for the purpose of
 24 voting for or against the proposition to deactivate the
 25 School facility in School District No. and to send
 26 pupils in School to School District(s) No.

1 The polls will be open at o'clock ... m., and close at
2 o'clock ... m. of the same day.

3 A..... B.....

4 Dated (insert date).

5 Regional Superintendent of Schools

6 The proposition shall be in substantially the following form:

7 -----

8 Shall the Board
9 of Education of School

10 District No., YES

11 County, Illinois, be

12 authorized to deactivate -----

13 the School facility

14 and to send pupils in NO

15 School to School

16 District(s) No.?

17 -----

18 If the majority of those voting upon the proposition in the
19 district contemplating deactivation vote in favor of the
20 proposition, the board of that district, upon approval of the
21 board of the receiving district, shall execute a contract with
22 the receiving district providing for the reassignment of
23 students to the receiving district. If the deactivating
24 district seeks to send its students to more than one district,
25 it shall execute a contract with each receiving district. The

1 length of the contract shall be for 2 school years, but the
2 districts may renew the contract for additional one year or 2
3 year periods. Contract renewals shall be executed by January 1
4 of the year in which the existing contract expires. If the
5 majority of those voting upon the proposition do not vote in
6 favor of the proposition, the school facility may not be
7 deactivated.

8 The sending district shall pay to the receiving district an
9 amount equal to the audited tuition rate of the receiving
10 district ~~agreed upon by the 2 districts.~~

11 When the deactivation of school facilities becomes
12 effective pursuant to this Section, the provisions of Section
13 24-12 relative to the contractual continued service status of
14 teachers having contractual continued service whose positions
15 are transferred from one board to the control of a different
16 board shall apply, and the positions at the school facilities
17 being deactivated held by teachers, as that term is defined in
18 Section 24-11, having contractual continued service with the
19 school district at the time of the deactivation shall be
20 transferred to the control of the board or boards who shall be
21 receiving the district's students on the following basis:

22 (1) positions of such teachers in contractual
23 continued service that were full time positions shall be
24 transferred to the control of whichever of such boards such
25 teachers shall request with the teachers making such
26 requests proceeding in the order of those with the greatest

1 length of continuing service with the board to those with
2 the shortest length of continuing service with the board,
3 provided that the number selecting one board over another
4 board or other boards shall not exceed that proportion of
5 the school students going to such board or boards; and

6 (2) positions of such teachers in contractual
7 continued service that were full time positions and as to
8 which there is no selection left under subparagraph 1
9 hereof shall be transferred to the appropriate board.

10 The contractual continued service status of any teacher
11 thereby transferred to another district is not lost and the
12 receiving board is subject to the School Code with respect to
13 such transferred teacher in the same manner as if such teacher
14 was the district's employee during the time such teacher was
15 actually employed by the board of the deactivating district
16 from which the position was transferred.

17 (b) The provisions of this subsection shall not apply to
18 the reactivation of a high school facility which is deactivated
19 under subsection (c). The sending district may, with the
20 approval of the voters in the district, reactivate the school
21 facility which was deactivated. The board of the district
22 seeking to reactivate the school facility shall, by proper
23 resolution, cause the proposition to reactivate to be submitted
24 to the voters of the district at a regularly scheduled
25 election. Notice shall be published at least 10 days prior to
26 the date of the election at least once in one or more

1 newspapers published in the district or, if no newspaper is
2 published in the district, in one or more newspapers with a
3 general circulation within the district. The notice shall be
4 substantially in the following form:

5 NOTICE OF REFERENDUM TO
6 REACTIVATE THE SCHOOL FACILITY
7 IN SCHOOL DISTRICT NO.

8 Notice is hereby given that on (insert date), a referendum
9 will be held in County (Counties) for the purpose of
10 voting for or against the proposition to reactivate the
11 School facility in School District No. and to discontinue
12 sending pupils of School District No. to School
13 District(s) No.

14 The polls will be opened at ... o'clock .. m., and closed
15 at ... o'clock .. m. of the same day.

16 A..... B.....

17 Dated (insert date).

18 Regional Superintendent of Schools

19 The proposition shall be in substantially the following form:

20 -----

21 Shall the Board
22 of Education of School YES
23 District No.,
24 County, Illinois,
25 be authorized to -----

1 reactivate the School
 2 facility and to discontinue sending
 3 pupils of School District No. NO
 4 to School District(s) No.?

5 -----

6 (c) The school board of any unit school district which
 7 experienced a strike by a majority of its certified employees
 8 that endured for over 6 months during the regular school term
 9 of the 1986-1987 school year, and which during the ensuing
 10 1987-1988 school year had an enrollment in grades 9 through 12
 11 of less than 125 students may, when in its judgment the
 12 interests of the district and of the students therein will be
 13 best served thereby, deactivate the high school facilities
 14 within the district for the regular term of the 1988-1989
 15 school year and, for that school year only, send the students
 16 of such high school in grades 9 through 12 to schools in
 17 adjoining or adjacent districts. Such action may only be taken:
 18 (a) by proper resolution of the school board deactivating its
 19 high school facilities and the approval, by proper resolution,
 20 of the school board of the receiving district or districts, and
 21 (b) pursuant to a contract between the sending and each
 22 receiving district, which contract or contracts: (i) shall
 23 provide for the reassignment of all students of the deactivated
 24 high school in grades 9 through 12 to the receiving district or
 25 districts; (ii) shall apply only to the regular school term of
 26 the 1988-1989 school year; (iii) shall not be subject to

1 renewal or extension; and (iv) shall require the sending
2 district to pay to the receiving district the cost of educating
3 each student who is reassigned to the receiving district, such
4 costs to be an amount agreed upon by the sending and receiving
5 district but not less than the per capita cost of maintaining
6 the high school in the receiving district during the 1987-1988
7 school year. Any high school facility deactivated pursuant to
8 this subsection for the regular school term of the 1988-1989
9 school year shall be reactivated by operation of law as of the
10 end of the regular term of the 1988-1989 school year. The
11 status as a unit school district of a district which
12 deactivates its high school facilities pursuant to this
13 subsection shall not be affected by reason of such deactivation
14 of its high school facilities and such district shall continue
15 to be deemed in law a school district maintaining grades
16 kindergarten through 12 for all purposes relating to the levy,
17 extension, collection and payment of the taxes of the district
18 under Article 17 for the 1988-1989 school year.

19 (d) Whenever a school facility is reactivated pursuant to
20 the provisions of this Section, then all teachers in
21 contractual continued service who were honorably dismissed or
22 transferred as part of the deactivation process, in addition to
23 other rights they may have under the School Code, shall be
24 recalled or transferred back to the original district.

25 (Source: P.A. 94-213, eff. 7-14-05.)